

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 19, 1998

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	
COLONY BEACH CAFE, INC.,)	OCAHO Case No. 97A00128
dba COOGIE'S BEACH CAFE, INC.)	
Respondent.)	
)	

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA or the Act). On June 30, 1995, the Immigration and Nationalization Service (INS or Complainant) served a Notice of Intent to Fine on Colony Beach Cafe, Inc. d/b/a Coogies Beach Cafe, Inc. (Colony Beach or Respondent), alleging that Colony Beach failed to properly complete Section 2 of the Employment Eligibility Verification Form (Form I-9) for twenty-seven named individuals hired after November 6, 1986, that Colony Beach failed to ensure that three named individuals hired after November 6, 1986 properly completed Section 1 of the Form I-9, and that Colony Beach failed to timely prepare the Form I-9 for one individual hired after November 6, 1986. After Respondent's written request for a hearing made on July 27, 1995, the INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), on June 23, 1997. Timely answer was made and additional proceedings ensued.

On February 17, 1998, the parties filed a Joint Motion to Approve Consent Findings, together with a Settlement Agreement signed by both parties which resolves all issues in the complaint.

Under § 68.14(a)(1) of the OCAHO Rules of Practice and Procedure:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

(i) the proposed agreement containing consent findings; and

(ii) a proposed decision and order;

28 C.F.R. § 68.14(a)(1).

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(a), (b), and (c).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. §§ 68.14 (b) and (c):

1. respondent has withdrawn its request for a hearing on the merits;
2. respondent admits the allegations of Counts I through V of the Complaint and agrees to pay the civil money penalties of \$3,500.00 according to the schedule set forth in the agreement;
3. the parties have waived any further procedural steps before the administrative law judge;
4. the parties have waived any right to challenge or contest the validity of this decision and order;
5. the entire record on which the decision and order is based consists solely of the complaint, the notice of hearing, the answer, a memorandum regarding the status of settlement negotiations, a scheduling order, the joint motion to approve consent findings, and the settlement agreement containing consent findings, which are hereby incorporated by reference;
6. this decision and order shall have the same force and effect as a decision and order made after a full hearing and shall become the final agency order of the Attorney General unless vacated or modified within thirty days by the Chief Administrative Hearing Officer. 28 C.F.R. § 53(a)(2).

SO ORDERED.

Dated and entered this 19th day of February, 1998.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 1998, I have served copies of the foregoing Final Decision and Order Approving Consent Findings on the following individuals at the addresses indicated:

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